

**9955. Adulteration and misbranding of cottonseed meal. U. S. * * *
v. The Buckeye Cotton Oil Co., a Corporation. Plea of guilty.
Fine, \$50 and costs. (F. & D. No. 14733. I. S. No. 11086-r.)**

On June 21, 1921, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Buckeye Cotton Oil Co., a corporation, having a place of business at Little Rock, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 14, 1919, from the State of Arkansas into the State of Michigan, of a quantity of cottonseed meal which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 33.8 per cent of protein, 6.57 per cent of ammonia, and 15.31 per cent of crude fiber. Examination by the said bureau showed that the sample contained at least 36 per cent of cottonseed hulls.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for cottonseed meal, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guarantee Protein 36.00% * * * Ammonia 7.00% Fibre 14.00%," borne on the tags attached to the sacks containing the article, were false and misleading in that they represented to the purchaser thereof that the said article contained 36 per cent of protein, 7 per cent of ammonia, and 14 per cent of fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 36 per cent of protein, 7 per cent of ammonia, and 14 per cent of fiber, whereas, in truth and in fact, the said article did not contain the ingredients in the percentages aforesaid, but did contain a less amount of protein and ammonia and a larger amount of fiber than so stated on the labels.

On September 23, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**9956. Adulteration and misbranding of barley feed. U. S. * * * v. 340
Sacks of Barley Feed * * *. Default decree of condemnation,
forfeiture, and destruction. (F. & D. No. 14778. I. S. No. 7866-t. S. No.
E-3316.)**

On April 13, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on April 22, 1921, an amended libel, for the seizure and condemnation of 340 sacks of barley feed, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Culbert Milling Co., Minneapolis, Minn., alleging that the article had been shipped from Minneapolis, Minn., on or about January 27, 1920, and transported from the State of Minnesota into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part, (tag) "Culbert Milling Co. 2901 Harriet Ave. Minneapolis, Minn. Mx Ground Barley Feed * * *."

Adulteration of the article was alleged in the libel for the reason that ground oats and weed seeds had been mixed and packed with, and substituted wholly or in part for, the said article, and for the further reason that the said article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the tags attached to the sacks containing the article bore the following statements regarding the said article and the ingredients and substances contained therein, to wit, "Mx Ground Barley Feed" or "Whole Ground Barley Feed" (the word "Whole" being penciled out and "Mx" written above), "Crude Protein at least 10.3% Crude Fat [at least] 3.5% Crude Fibre not more than 9.0%," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 28, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9957. Misbranding of Cacapon healing water. U. S. * * * v. One 55-Gallon Drum of * * * Cacapon Healing Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15103. I. S. No. 8351-t. S. No. E-3396.)

On June 28, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of one 55-gallon drum of Cacapon healing water, remaining in the original unbroken package at Baltimore, Md., consigned March 4, 1921, alleging that the article had been shipped by the Capon Springs Co., from Winchester, Va., and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the dissolved mineral matter consisted chiefly of limestone.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling thereof, regarding the curative and therapeutic effect of the said article, "For Many Generations Leading Physicians have prescribed Cacapon (Healing Water) for many diseases, including some thought incurable. * * * Drink And Live * * * Tonic, Alterative and Diuretic. * * * I know of No Water Comparable To Capon for bladder and kidney troubles. * * * I have observed striking results in rheumatic gout, syphilitic rheumatism and chronic inflammation * * * " were false and fraudulent, since the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On September 22, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9958. Misbranding of Lung Germine. U. S. * * * v. 15 Bottles, 18 Bottles, and 24 Bottles of * * * Lung Germine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15127, 15128, 15129. Inv. Nos. 32805, 32804, 32889. S. Nos. E-3415, E-3416.)

On July 9, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemna-